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2/6/01

JL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN SANDERS,

: CIVIL ACTION NO. 1:CV-00-1866

Petitioner

:

v.

:

R.M. REISH,

: (Judge Rambo)

Respondent

:

FILED
HARRISBURG

FEB 5 2001

MARY E. D'ANDREA, CLERK
Per o/t
DEPUTY CLERK

NOTICE OF ELECTION

I, Melvin Sanders, Petitioner in the above-captioned action, have read the Order of Court which accompanied this form notice. Pursuant to that order, I elect to proceed in this action as follows:

X

I have not labeled my motion, petition or pleading as a motion to vacate or set aside my conviction or sentence under 28 U.S.C. § 2255. I choose to have the court rule on my motion, petition or pleading as filed. I understand that the failure to bring the motion, petition or pleading under 28 U.S.C. § 2255 may be a basis for denial or dismissal of the motion, petition or pleading.

I have not labeled my motion, petition or pleading as a motion to vacate or set aside my conviction or sentence under 28 U.S.C. § 2255. I choose to have my motion, petition or pleading re-characterized as such a motion. I understand that by doing so I lose my ability to file a second or successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive petition.

I have not labeled my motion, petition or pleading as a motion to vacate or set aside my conviction or sentence under 28 U.S.C. § 2255. I choose to withdraw the petition so that I may file one, all-inclusive motion under 28 U.S.C. § 2255 within the one-year limit for filing such a motion.

I have labeled my petition or motion as one filed under § 2255. I choose to have the court rule on my motion as filed. I understand that I may be forever barred from presenting in federal court any claim not presented in this motion. I further understand that by doing so I lose my ability to file a second or successive petition absent certification by the Court of Appeals, and that the potential for relief is further limited in a second or successive motion.

I have labeled my petition or motion as one filed under § 2255. I choose to withdraw the petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2255 within the one-year limit for filing such a motion.

YOUR ELECTION ON THIS FORM, AS WELL AS THE FAILURE TO MAKE AN ELECTION, WILL BE BINDING ON YOU AS RELATES TO YOUR LITIGATION IN FEDERAL COURT OF ANY CLAIM RELATED TO THE CUSTODY YOU HAVE CHALLENGED. READ CAREFULLY THE ORDER ACCOMPANYING THIS FORM NOTICE OF ELECTION.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 01.
(Date)

Wilma Sanders
(Signature of Petitioner)